

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/2/08 has been entered.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Mark Graham on 12/18/08.

The application has been amended as follows:

Please cancel **claim 2**.

Please replace **claim 5** with the following:

Claim 5. (Currently amended) The composition of claim 1, wherein the EPO is formulated to provide a quantity per dose in the range of about 500 to about 100000 IU EPO.

Please replace **claim 6** with the following:

Claim 6. (Currently amended) The composition of claim 5, wherein the EPO is formulated to provide a quantity per dose selected from the group consisting of about 1000 IU, about 2000IU, about 3000 IU, about 4000 IU, about 10000 IU, about 20000 IU, about 25000 IU, about 40000 IU, about 50000 IU, about 60000 IU and about 100000 IU.

Please replace **claim 15** with the following:

Claim 15. (Currently Amended) The composition of claim 1, wherein the polyhydric alcohol is an alcohol selected from the group consisting of glycerol, sorbitol, mannitol and xylitol.

Please replace **claim 16** with the following:

16. (Currently Amended) The composition of claim 15, wherein the polyhydric alcohol is glycerol.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satyanarayana R. Gudibande whose telephone number is 571-272-8146. The examiner can normally be reached on M-F 8-4.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Satyanarayana R Gudibande/
Examiner, Art Unit 1654

/Andrew D Kosar/
Primary Examiner, Art Unit 1654